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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,196	10/27/2003	Shigeru Suzuki	FP03-103US	4278

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274 MADISON AVENUE
NEW YORK, NY 10016

11/30/2007

EXAMINER

STRIMBU, GREGORY J

ART UNIT	PAPER NUMBER
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3634

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/695,196	SUZUKI ET AL.	
	Examiner Gregory J. Strimbu	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 April 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 3,4,9 and 12-18 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,5-8,10 and 11 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 2/12/07 + 4/26/07 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Drawings

The drawing correction filed February 12, 2007 and April 26, 2007 have been approved.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the spanning part of the cable having a substantially fixed length between the fixing member and the slider.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Publication No. 2002-002288 in view of Gordon. Japanese Patent Publication No. 2002-002288 discloses a construction for guiding and supporting a cable 4 through a bending deformation, comprising a rail 2 having at least one substantially linear section; a slider 3 having an engaging portion (not numbered, but comprising the portion of the slider 3 engaging the rail) mounted to the rail for sliding substantially linearly along the rail, a cable support 16 offset from the rail, the cable

support having a slider passage (not numbered, but comprising the passage through which the cable 4 extends as shown in figure 1) extending therethrough, a fixing portion 9 coupled to the second end of the cable and spaced from the rail, the fixing portion having a fixing passage (not numbered, but comprising the passage through which the cable 4 extends as shown in figure 1) extending therethrough, a cable 4 extending through the fixing passage of the fixing portion, through the slider passage of the slider, the cable having a spanning part 4a with a door-side end fixed to the slider and a body-side end disposed externally of the slider; and a fixing member 7 supporting the body-side end of the spanning part of the cable so that the spanning part of the cable has a substantially fixed length between the fixing member and the slider and is pivotal relative to the fixing part and the slider about axes that are parallel to the plane of the door 1, wherein a rail-side engaging portion is provided on a surface of the rail, the rail-side engaging portion being slidably engageable with a slider-side engaging portion of the slider, a stretching part 4a supported by the slider near the slider-side opening of the cable guide, all of the rail is substantially linear. Japanese Patent Publication No. 2002-002288 is silent concerning a cable guide.

However, Gordon discloses a cable guide 24 formed to undergo a bending deformation about a plurality of parallel axes and only in a specified plane, the cable guide having a first end 22 coupled to a slider 14 and a second end (not numbered, but shown connected to the fixing portion 20 and 20A), the cable guide having a guide passage (not numbered, but shown in figure 11) extending therethrough, portions of the guide passage communicating with a slider passage (not numbered, but defined by 22

and 22A) at the first end of the cable guide, whereby the slider 14 and the cable guide 24 and the fixing portion 20 and 20A guide the cable introduced through the passages therein through a controlled bending deformation between the slider and the fixing portion, the cable guide 24 comprises a plurality of substantially tubular links 26.

It would have been obvious to one of ordinary skill in the art to provide Japanese Patent Publication No. 2002-002288 with a cable guide, as taught by Gordon, to protect the cable as it moves between the slider and the fixed portion.

Claims 1, 2, 5, 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Publication No. 2002-002288 in view of Gordon. Japanese Patent Publication No. 2002-002288 discloses a construction for guiding and supporting a cable 4 through a bending deformation, comprising a rail 2 having at least one substantially linear section; a slider 3 having an engaging portion (not numbered, but comprising the portion of the slider 3 engaging the rail) mounted to the rail for sliding substantially linearly along the rail, a cable support 16 offset from the rail, the cable support having a slider passage (not numbered, but comprising the passage through which the cable 4 extends as shown in figure 1) extending therethrough, a fixing portion 9 coupled to the second end of the cable and spaced from the rail, the fixing portion having a fixing passage (not numbered, but comprising the passage through which the cable 4 extends as shown in figure 1) extending therethrough, a cable 4 extending through the fixing passage of the fixing portion, through the slider passage of the slider, the cable having a spanning part 4a with a door-side end fixed to the slider and a body

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side end disposed externally of the slider; and a fixing member 7 supporting the body-side end of the spanning part of the cable so that the spanning part of the cable has a substantially fixed length between the fixing member and the slider and is pivotal relative to the fixing part and the slider about axes that are parallel to the plane of the door 1, wherein a rail-side engaging portion is provided on a surface of the rail, the rail-side engaging portion being slidably engageable with a slider-side engaging portion of the slider, a stretching part 4a supported by the slider near the slider-side opening of the cable guide, wherein the rail has a curved section (not numbered, but comprising the curved end of the slot in the rail). Japanese Patent Publication No. 2002-002288 is silent concerning a cable guide.

However, Gordon discloses a cable guide 24 formed to undergo a bending deformation about a plurality of parallel axes and only in a specified plane, the cable guide having a first end 22 coupled to a slider 14 and a second end (not numbered, but shown connected to the fixing portion 20 and 20A), the cable guide having a guide passage (not numbered, but shown in figure 11) extending therethrough, portions of the guide passage communicating with a slider passage (not numbered, but defined by 22 and 22A) at the first end of the cable guide, whereby the slider 14 and the cable guide 24 and the fixing portion 20 and 20A guide the cable introduced through the passages therein through a controlled bending deformation between the slider and the fixing portion, the cable guide 24 comprises a plurality of substantially tubular links 26.

It would have been obvious to one of ordinary skill in the art to provide Japanese Patent Publication No. 2002-002288 with a cable guide, as taught by Gordon, to protect the cable as it moves between the slider and the fixed portion.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Publication No. 2002-002288 in view of Gordon as applied to claims 1, 2 and 5-7, and further in view of Ayran. Japanese Patent Publication No. 2002-002288, as modified above, is silent concerning the particular construction of the slider and rail side engaging portion.

However, Ayran discloses a rail 9a and a slider L₁ comprising a rail-side engaging portion (not numbered, but shown in figure 2) and a slider-side engaging portion (not numbered, but shown in figure 2) engageable with each other to slidably hold the slider, wherein the slider-side engaging portion has engaging grooves (not numbered, but shown in figure 8), and the rail-side engaging portion has engaging projections (not numbered, but shown in figure 8) that fit in the engaging grooves of the slider-side engaging portion and extending along a longitudinal direction of the rail.

It would have been obvious to one of ordinary skill in the art to provide Japanese Patent Publication No. 2002-002288, as modified above, with a guide rail and slider engagement, as taught by Ayran, to ensure the proper movement of the slider along the rail.

Response to Arguments

Applicant's arguments filed April 26, 2007 have been fully considered but they are not persuasive.

The applicant's comments concerning Japanese Patent Publication No. 2002-002288 are not persuasive. Amended claim 1 requires the spanning part of the cable to have a substantially fixed length between the fixing member and the slider, but does not specify when the fixed length must be maintained. Thus, the spanning part of the cable of Japanese Patent Publication No. 2002-002288 has a substantially fixed length between the fixing member and the slider when the door 1 is closed and not moving. It is suggested the applicant amend claim 1 to include the vehicle door and require the spanning part of the cable to have a substantially fixed length between the fixing member and the slider as the door is moved between opened and closed positions to better define the invention. Even if the applicant were to make said changes, claim 1 may not be allowable over a combination of Doshita (US 6417452) and Gordon et al. (US 4392344).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gregory J. Strimbu
Primary Examiner
Art Unit 3634
November 27, 2007